

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401 SPR



Project Name: OALC SITE PLAN

Case Numbers: PSR2009-00025

Location: 32320 NE Lewisville Highway

Request: Site plan approval to construct an additional internal access drive and turn lane onto SR-503 associated with the existing Old Apostolic Lutheran Church located on 21.4 acres in the R-5 zone district

Applicant: MSE Planning & Engineering
16105 NE 89th Street
Vancouver, WA 98682
Phone - (360) 883-0686, **E-mail -** Samuel@msepe.com

Owner: Old Apostolic Lutheran Church
PO Box 1510
Battle Ground, WA

DECISION

Approval subject to conditions

Team Leader's Initials:  **Date Issued:** October 20, 2009

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Richard Daviau	4895	richard.daviau@clark.wa.gov
Engineer:	Brad Hazen	4346	brad.hazen@clark.wa.gov
Fire Marshal Office	Tom Scott	3323	tom.scott@clark.wa.gov
Team Leader:	Michael Butts	4137	michael.butts@clark.wa.gov
Eng. Supervisor:	Sue Stepan, P.E.	4064	sue.stepan@clark.wa.gov

Parcel Numbers: Tax Lot 43 (193783) in the Southeast quarter of Section 9, Township 3 North, Range 2 East of the Willamette Meridian

Zoning: R-5

Comp Plan Designation: R-5

Applicable Laws:

Clark County Code: Title 15 (Fire Prevention), Section 40.220.010 (Single-Family Residential District), Section 40.350 (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.380 (Storm Water Drainage and Erosion Control), Section 40.450 (Wetland Protection Ordinance), Sections 40.500 and 40.510 (Procedures), and Section 40.520.040 (Site Plan Review)

Neighborhood Association/Contact:

No mapping indicators

Time Limits:

The application was submitted on June 30, 2009 and determined to be fully complete on July 30, 2009. The project was on hold for five days for the applicant to resolve internal circulation issues. Therefore, the County Code requirement for issuing a decision within 78 days lapses on October 16, 2009.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application can earlier contingently vest if a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

The pre-application conference information was sufficiently complete to qualify for contingent vesting, and the application was submitted within the required 180 days from issuance of the Pre-Application Conference Report. Therefore, the project was vested on the pre-application submittal date of February 19, 2009. The application vested for transportation concurrency on July 29, 2009.

Public Notice:

Notice of application was mailed to the applicant, neighborhood association, and property owners within 500 feet of the site on August 12, 2009.

Public Comments:

The County received a written public comment regarding the proposal (See Exhibit 6). A strong opposition to the project was expressed due to the added congestion on SR-503 that the additional access lane would add. A concern over vegetation removal and stormwater runoff was also noted.

See Findings 4 through 9 for information regarding these issues.

Project Description/Background

Conditional use permit approval was granted for the existing Old Apostolic Lutheran Church on August 24, 1993 and final site plan approval was granted on June 13, 1994. The applicant proposes to construct an additional internal access drive and turn lane onto SR-503 associated with the existing church (CUP93005).

The following is a comprehensive plan, zoning, and use chart of the area surrounding the site:

Compass	Comp Plan	Zoning	Current Land Use
Site	R-5	R-5	Residential
North	R-5	R-5	Residential
South	R-5	R-5	Residential
East	R-5	R-5	Residential
West	R-5	R-5	Residential

Issues and Staff Analysis

Staff first analyzed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 - Permitted Uses

The existing church is allowed on the site under conditional use permit approval CUP93-005 and site plan approval SPR93-099. The proposed internal access drive and turn lane onto SR-503 associated with the existing church can be allowed subject to site plan review.

Finding 2 - Internal Circulation

Staff was concerned that the lane configuration shown on the submitted site plan would create a safety issue. The applicant submitted a plan with a revised lane configuration at the site access which includes a merge left sign and a striped yellow line to separate inbound and outbound traffic (see Exhibit 7). Staff finds this will resolve the safety issue. The final site plan shall be consistent with the revised lane configuration and access plan (Exhibit 7). (See Condition A-1a)

Finding 3 - Lighting

The applicant needs to ensure that lighting from the proposal does not cast significant light or glare off-site on adjacent properties or public roadways. (See Condition G-1)

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan meets the land use requirements of the Clark County Code subject to conditions.

SEPA:Finding 4

The project is considered exempt from SEPA review because the applicant estimates that only 350 cubic yards of grading will be needed. SEPA review is required for projects that involve 500 or more cubic yards of grading.

WETLANDS:Finding 5

A Wetland Determination was issued by a Clark County Biologist that concluded that no jurisdictional wetlands or wetland buffers are located on the site (see WET2009-00051).

TRANSPORTATION:Finding 6 - Driveway Sight Distance

Sight distance at the approved driveway entrance to the site to be at a minimum 500 feet in both directions measured 15 feet back of travel lane per CCC 40.350.030B.8 or to WSDOT standards which ever is greater (see Condition A-2a).

Finding 7 - Driveway Pave Back

The approved driveway entrance to this site shall be paved back a minimum of 20 feet from the edge of the roadway or to the right-of-way which ever is greater per CCC 40.350.030(B)(7)(c) (see Condition A-2b).

Finding 8 - Access to State Routes

The proposed access serving the development is onto a state road or highway which requires dedication and/or improvements thereto that meet the requirements of the Washington Department of Transportation per CCC 40.350.030(B)(4)(e). Therefore the applicant shall comply with all written requirements from WSDOT. (See Condition A-2c)

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

STORMWATER:Finding 9 - Applicability

In accordance with the Stormwater and Erosion Control Ordinance (CCC 40.385), new development and redevelopment that adds or replaces impervious area of less than five percent (5%) of a site shall comply with minimum requirements 1 through 5, if the impervious surface is 1) set back at least two hundred (200) feet from waters of the state and critical areas; 2) does not generate runoff in channelized flow or discharge directly or indirectly to the county's storm sewer system; and 3) is not located in and does not discharge onto steep slopes or mapped geohazard areas, or else minimum requirements No. 1 through No. 10 apply.

The proposal creates impervious area of less than 5% and meets the three criteria stated above. Therefore, only Minimum Requirements 1 thorough 5 must be met (see Condition A-4).

Conclusion (Stormwater):

Staff concludes that the proposed preliminary Stormwater plan, subject to conditions identified above, meets the Stormwater requirements of the Clark County Code CCC 40.385.

FIRE PROTECTION:

Finding 10 - Fire Marshall Review

Tom Scott (in the Fire Marshal's Office) reviewed this application and can be reached at (360) 397-2375 x 4095 or 3323 if there are any questions regarding the following review (The site is in Clark County Fire District 11). Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes.

Decision

Based upon the proposed plans and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A Final Construction/Site Plan Review **Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 **Final Site Plan** - The applicant shall submit and obtain County approval of a final site plan with the following conditions of approval:
- a. The final site plan shall be consistent with the revised lane configuration and access plan (see Exhibit 7 and Finding 2).
 - b. Archaeology - A note shall be placed on the face of the final site plan and construction plans "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- A-2 **Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:
- a. Provide at least 500 feet of sight distance at the driveway entrance both to the north and the south or to WSDOT standards which ever is greater (see Finding 6).
 - b. Provide minimum driveway pave-back of 20 feet or to the right-of way line which ever is greater; and driveway width of 24 to 40 feet (see Finding 7).
 - c. Comply with WSDOT conditions of approval for this project (see Finding 8).
 - d. Submit and obtain approval of grading plan.

A-3 Transportation:

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-4 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.385. Minimum requirements 1 through 5 must be met including the preparation of a final stormwater plan, construction of stormwater pollution prevention, source control of pollution, preservation of natural drainage systems and outfalls, and on-site stormwater management. (See Finding 9)

A-5 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-6 Developer's Covenant - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 40.380. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

A-7 Excavation and Grading - Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

- B-1 **Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 **Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 **Erosion Control** - Erosion control facilities shall **not** be removed without County approval.
- B-4 If any cultural resources are discovered in the course of development construction, the Office of Archaeology and Historic Preservation in Olympia and Heritage Trust of Clark County shall be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

None

D	Building Permits Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

None

E	Occupancy Permits Review & Approval Authority: Customer Service
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- E-1 One-way traffic signs and painted arrows shall be installed for the proposed 20-foot wide internal access connecting the existing parking lot to the existing paved drive access to SR-503 (see Finding 2).

F	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant-
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- F-1 **Site Plans and other land use approvals** - Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.
- F-2 **Building and Fire Safety** - Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is

the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

F-3 **Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information**

G	Post Development Requirements Review & Approval Authority: As specified below
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G-1 **Outdoor Lighting** - Exterior lighting shall be located, shielded, and directed to prevent significant off site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180.

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on October 16, 2009. Therefore any appeal must be received in this office by 12:00 PM, October 30, 2009.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;

- The reasons why each aspect is in error as a matter of fact or law;
- The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public hearing to consider the appeal.

Attachments:

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
<http://www.co.clark.wa.gov>

For Staff Only:

Final Plans Required with Construction Plans	YES	NO
Final Site Plan	X	
Final Landscape Plan:		
-On-site landscape plan	X	
-Right-of-way landscape plan*		
Final Wetland Plan		
Final Habitat Plan		

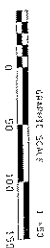
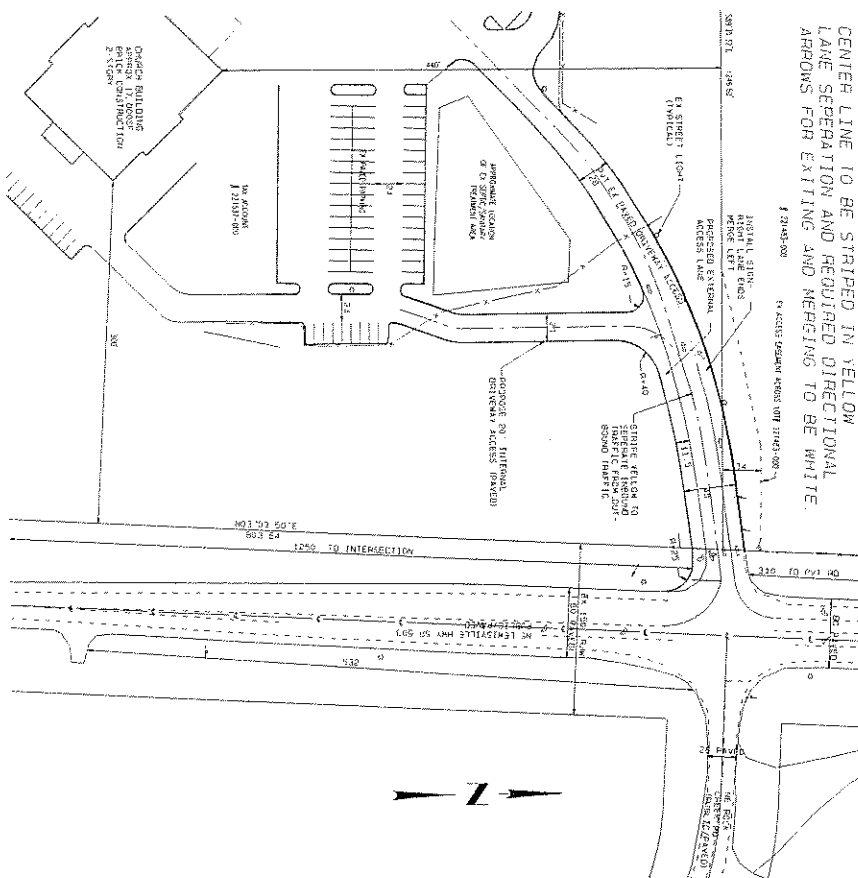
*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

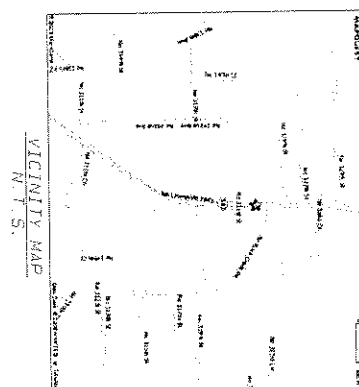
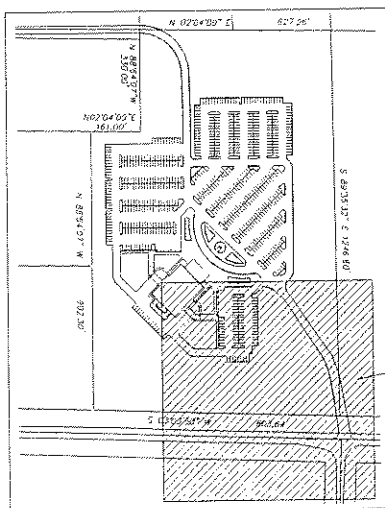
OALC SITE PLAN

A SITE PLAN OF 21.4 ACRES TO PROVIDE AN ADDITIONAL TURN LANE FOR IMPROVED ACCESS.
 LOCATED IN THE SE 1/4 OF SEC. 02, 14N, R2E, W4M OF CLARK COUNTY, WASHINGTON

CENTER LINE TO BE STRIPED IN YELLOW
 LANE SEPARATION AND REQUIRED DIRECTIONAL
 ARROWS FOR EXITING AND MERGING TO BE WHITE.



SITE MAP
 1"=200'



PROJECT INFORMATION

1/2 ACRES OF SEC. 02, 14N, R2E, W4M
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NO SCHOOL BUS STOP EXISTING WITHIN 200 FEET
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